

IN THE UNITED STATES DISTRICT COURT
FOR THE WESTERN DISTRICT OF WISCONSIN

LAZZERICK M. ALEXANDER,

Petitioner,

OPINION AND ORDER

v.

14-cv-640-wmc

UNITED STATES OF AMERICA,

Respondent.

Lazzerick M. Alexander is presently incarcerated by the Bureau of Prisons at the United States Penitentiary in Atlanta, Georgia, as the result of his conviction in *United States v. Alexander*, No. 07-cr-71-jcs (W.D. Wis.). That conviction was affirmed on appeal, *see United States v. Alexander*, 573 F.3d 465 (7th Cir. 2009), and this court denied his motion to vacate, set aside or correct sentence pursuant to 28 U.S.C. § 2255. Alexander has now filed a petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241, seeking relief from his sentence of imprisonment.

Federal courts have jurisdiction to issue writs of habeas corpus under § 2241 only where the petitioner is “in custody in violation of the constitution or laws or treaties of the United States.” 28 U.S.C. § 2241(c). To proceed under § 2241, a prisoner must name his custodian (typically, the warden) as respondent and file the petition in a district court that has jurisdiction over his custodian. *See Samirah v. O’Connell*, 335 F.3d 545, 551 (7th Cir. 2003). Thus, the Seventh Circuit has emphasized that a collateral attack brought under § 2241 must be litigated where the prisoner is located. *See Al-Marri v.*

Rumsfeld, 360 F.3d 707, 709-10 (7th Cir. 2004). In other words, “the only court with jurisdiction [over a § 2241 petition] would be the federal district court where the movant is imprisoned.” *United States v. Mittlesteadt*, 790 F.2d 39, 40 (7th Cir. 1986). Because Alexander is not in custody within the Western District of Wisconsin, this court lacks jurisdiction to consider his petition.

ORDER

IT IS ORDERED that the petition for a writ of habeas corpus pursuant to 28 U.S.C. § 2241 filed by petitioner Lazzerick M. Alexander is DISMISSED without prejudice for lack of jurisdiction.

Entered this 30th day of September, 2014.

BY THE COURT:

/s/

WILLIAM M. CONLEY
District Judge